IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:)	
Christian REITER <i>et al</i> .)	Group Art Unit: 1645
Serial No.: 10/089,452)	Examiner: Nita M. Minnifield
Filed: January 27, 2003)	Confirmation No: 9277
For: IMPROVED METHOD FOR DETECTING ACID RESISTANT MICROORGANISM IN THE STOOL)))	

Commissioner for Patents United States Patent and Trademark Office P. O. Box 1450 Alexandria, VA 22313-1450

REQUEST TO CORRECT FILING DATE OF POWER OF ATTORNEY

Applicants respectfully request the U.S. Patent and Trademark Office (USPTO) to correct an error appearing on the Notice of Acceptance of Power of Attorney and Notice Regarding Change of Power of Attorney, copies of which were mailed by the USPTO to both the Applicants' representative and previous counsel (DLA Piper Rudnick Gray Cary US, LLP), respectively, on January 3, 2007. As provided in the Notices, Applicants' representative filed a new power of attorney on September 16, 2006, which according to our file records and PAIR transaction history, is an incorrect filing date. As submitted, Applicants' representative had filed the Revocation of Previous Power of Attorney, Appointment of New Attorney or Agent and Change of Correspondence Address via facsimile as early as July 18, 2005 (enclosed as Exhibit A). A second filing was made on September 14, 2005 (enclosed as Exhibit B). Applicants respectfully request that a notice with the correct filing date be mailed to both the Applicants' representative and prior counsel.

In addition, Applicants note that the USPTO's mailing of the Office Action to prior counsel has caused a delay in the prosecution of the present application. Applicants had filed a Response to Non-Final Office Action on March 1, 2006 and a Status Inquiry on October 31, 2006. Applicants only then heard from the USPTO on November 30, 2006, when the Examiner telephoned the Applicants' representative to inform him that a Notice of Non-Compliant

Patent Application Serial No. 10/089,452 Attorney Docket No. 032034-002000

Amendment was mistakenly sent to the prior counsel on May 17, 2006. Applicants then waited for the Examiner to correct the error and resend the Notice. On January 6, 2007, Applicants received a notice to change the power of attorney and a second Notice of Non-Compliant Amendment, both of which were mailed on January 3, 2007. Applicants then filed a response to the Notice of Non-Compliant Amendment on February 1, 2007.

Applicants respectfully submit that the USPTO's error in not sending the May 17, 2006 Notice to Applicants' correct counsel has caused a significant delay in the prosecution of this patent application. That delay should not be credited against the Applicants.

Should the Examiner require any further assistance in this regard, please do not hesitate to call Applicants' representative.

Respectfully submitted,

Date: February 12, 2007

/Jeffrey A. Lindeman, Reg. # 34,658/ Jeffrey A. Lindeman Registration No. 34,658

NIXON PEABODY LLP Suite 900 401 9th Street, N.W. Washington, D.C. 20004-2128 Telephone: (202) 585-8000 Facsimile: (202) 585-8080 ಕಳು. 18. 2005 4:55PM 866 741 0075

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		1645
Total Number of Pages in This Submission 2		Nita M. Minnifield
Submission 2	Attorney Docket Number	032034-002000
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REVOCATION OF PREVIOUS POWER OF ATTORNEY, APPOINTMENT OF NEW ATTORNEY OR AGENT, AND CHANGE OF CORRESPONDENCE **ADDRESS**

Application Number	10/089,452
Filing Date	January 27, 2003
First Named Inventor	Christian REITER
Title	IMPROVED METHOD FOR DETECTING ACID RESISTANT MICROORGANISMS IN THE STOOL
Group Art Unit	1645
Examiner Name	To Be Assigned
Attorney Docket Number	032034-002000

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APPOINTMENT OF NEW
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